

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JESSE AND KIMBERLY WHITE,

Plaintiff,

No. 13-cv-11636

vs.

Hon. Gerald E. Rosen

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,

Defendants.

ORDER DISMISSING CASE FOR LACK OF
SUBJECT MATTER JURISDICTION

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on April 09, 2013

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

Jesse White, having been granted *in forma pauperis* status, “seeking the right to examine a contract remedy performed by MERS.” The “contract remedy” Plaintiff complains of appears to be the March 3, 2004 foreclosure of the mortgage on, and/or the notice of his eviction from, property located at 1293 18th Street, in Detroit, Michigan.

However, nowhere in Plaintiff’s Complaint is there any allegation of the basis of federal subject matter jurisdiction over this matter. Although Plaintiff prays for \$3,000,000.00 in damages, there are no allegations of the citizenship of the parties or that they are diverse. Hence, complete diversity of citizenship among the parties is not established. Therefore, diversity of citizenship jurisdiction under 28 U.S.C. § 1332 is not

shown. Similarly, federal question jurisdiction also appears to be lacking. Although Plaintiff broadly alleges that “[t]he mortgage note is governed by both Federal and Michigan laws,” Plaintiff’s Complaint alleges only state contract law claims. He has not alleged any violation of any provision of the United States Constitution or any federal statute, and it does not appear that any federal cause of action arises from the facts alleged. Therefore, there is no jurisdiction under 28 U.S.C. § 1331.

For all of the foregoing reasons,

IT IS HEREBY ORDERED that Plaintiff’s Complaint be, and hereby is,
DISMISSED for lack of jurisdiction, without prejudice.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: April 18, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 18, 2013, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135